IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6397 OF 2005

Smt.Shilabai Bhimrao Deokate : Petitioner

V/s.

Vilas Maruti Bansode & Ors. : Respondents

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Mr.S.D.Patil for the petitioner.

Mr.D.A.Patil, Asstt. Govt. Pleader for the respondent no.10.

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CORAM : S.A. BOBDE, J.

September 27, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Patil, the learned Asstt. Govt. Pleader, appears and waives service of rule on behalf of the respondent no.10.

Heard by consent.

2. The petitioner has challenged the order of the Divisional Commissioner, Pune, dismissing her appeal against the no-confidence resolution passed against her by a majority of 6 : 3.

3. The only contention raised by the learned counsel for the petitioner is that the petitioner did not have an opportunity to talk or speak at the special meeting convened for passing no-confidence resolution against her. This ground was specifically raised by her in para 14 of the appeal. It appears that the learned Divisional Commissioner, Pune, has not considered this grievance of the petitioner. The consideration of this grievance was important in view of section 35(2) of the Bombay Village Panchayats Act, 1958 as held by this Court in Ashok Krishnakant v. State of Maharashtra (2000 (4) Mh.L.J. 197). In the present case, consideration of this aspect assumes significance in view of the observation of the Additional Collector, Sangli, who in his order dated 27.6.2005 has observed that discussions are not important in the meeting for no-confidence.

4. In the circumstances, the impugned order is set aside. The learned Divisional Commissioner is directed to reconsider the matter, particularly on the aspect of whether the petitioner was allowed to speak in the meeting of no-confidence in her defence. The learned Divisional Commissioner is requested to decide the matter as early as possible and, in any case, not later than four weeks from

the date the petitioner appears before him. The petitioner is directed to appear before him on 6.10.2005.

5. The rule is made absolute in the above terms.

S.A. BOBDE, J.